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Paper No. 5

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**MAY 28 2002**

**OFFICE OF PETITIONS**

In re Application of	:	
Sharp et al.	:	
Application No. 10/078,386	:	DECISION GRANTING
Filed: February 20, 2002	:	PETITION
Docket No. 58875/P001CP1CP1/10111610	:	

This is a decision on the petition filed April 3, 2002, to accord the above-identified application a filing date of February 20, 2002.

On February 20, 2002, the application was filed.

On March 15, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on February 20, 2002. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Drawings - 8 sheets (Informal)" on February 20, 2002.<sup>1</sup> Petitioner has also submitted a copy of the missing documentation- 8 pages of drawings.

Upon review of the record, the drawings deposited on February 20, 2002, have not been located. However, the evidence is convincing that the application papers deposited on February 20, 2002, included 8 pages of drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of February 20, 2002.

In view of the above, the petition is **granted**. The copy of the 8 pages of drawings submitted with the petition will be used for examination purposes.

The petition fee of \$130 will be credited to petitioner's deposit account.

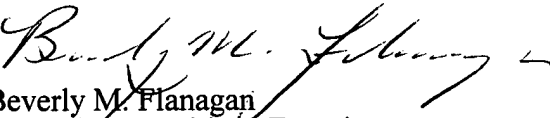
The Notice mailed March 15, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 20, 2002, using the application papers filed on February 20, 2002 and the copy of the 8 pages of drawings filed on April 3, 2002.

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<sup>1</sup> Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
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